

REMARKS

Claims 1 - 10 are pending in the application. Claims 1 - 10 stand rejected by the Examiner under 35 U.S.C § 102(e) as being anticipated by *Fleure* in U.S. Patent 6,418,079. Claims 1 and 9 have been previously amended. Claims 1 and 2 are currently amended. Reconsideration of the application in view of the claim amendments and the comments below is respectfully requested.

With this Office Action Response, Applicant is including the drawings as requested by the Examiner. The drawings have been objected to under 37 CFR 1.83(a). A new block diagram, Figure 5, showing every feature of the invention as specified in the claims and as supported by the specification is included in this paper. Figure 5 and replacement drawings for Figure 3 and Figure 4 are attached after page 13 of this paper.

In response to the Detailed Action (of 1/27/04) we submit these remarks numbered according to the Examiner's comments in the Office Action:

1. As stated in the Office Action: "The drawings are objected to because of minor informalities in Figures 3 and 4. These drawings are too dark and not in compliance of the rejections on USPTO Form 948 attached to paper 6." In response we are mailing the figures instead of faxing them so the quality will be better. We also point out Figures 3 and 4 represent seismic data, and are faithful representations of these data. Further, USPTO Form 948 attached to paper 6 objects to Figures 3 and 4 as having problems with the margins, but attached Form 948 does not contain an objection the figures are too dark.

2. As requested by the Examiner, a new Figure 5, containing no new material and being fully supported by the original application, is included to show clearly the features in the claims. The figure is fully described with amended paragraphs [0032.1]-[0032.8].

3. As requested by the Examiner, the specification has been amended in conjunction with Figure 5 to illustrate clear antecedent claim structure with clear drawing support.

4. It is the Examiner's position that: "Fleur as disclosed in the previous office action in paper 6 of record discloses the cross correlation and the changing of data. This term for determining a difference in the amended claims in the broad sense of the term could comprise the cross correlation or changing the data as found in Fleur and discussed in the previous office action." To further clarify applicant's argument, we respectfully point out that in Fleure, the cross correlation **is** changing the data, i.e., **the output of the cross correlation is the changed data**. However, Fleure does not disclose determining a difference, and then changing the data based on that difference.

Whether or not the cross-correlation disclosed in Fleure could comprise part of the "determining a difference" step of Applicant's invention as suggested by the Examiner, the determined difference (or crosscorrelation value or other measure) as disclosed and claimed in the application should not be conflated with "changing said data" as called for in the next step of Claim 1. The "determining a difference" step and "changing said data" step are separate steps not disclosed in Fleure.

In summary, whether or not Fleure cross correlation comprises any part of the "determined difference" step, Fleure does not disclose the next and separate step of


“changing said data in said first data segment using said data in a corresponding window comprising a portion of a second data segment based on said difference.”

5. **REJECTION UNDER 35 U.S.C. § 112:** Claims stand rejected under 35 U.S.C. § 112 for being indefinite as to terms. The original specification with the supplemental Figure 5 and the amended text fully and clearly support all the claims. The claim language “determining a difference” and “a first data segment” and a “second data segment” are fully and clearly supported by the original specification, the new Figure 5 and the amended text.

No new material has been added by this office action response. Consideration of the application, as amended, is respectfully requested. No fee is believed to be due for these amendments. The Commissioner is hereby authorized to charge any fee due for these amendments to **Deposit Account No. 50-1720 (594-25573)**.

Respectfully submitted,

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